

REMARKS

Claims 1-50 are pending in the subject application.

Applicants have amended claims 27-38 and 49. The changes to these claims made herein do not introduce any new matter.

Applicants appreciate the Examiner's allowance of claims 1-26 and 50. Applicants' response to the obviousness rejection of claims 27-49 is set forth in the following discussion.

Rejection Under 35 U.S.C. § 103

Applicants respectfully request reconsideration of the rejection of claims 27-49 under 35 U.S.C. § 103(a) as being unpatentable over *Nakatsuka* in view of *Shiota et al.* As will be explained in more detail below, the combination of *Nakatsuka* in view of *Shiota et al.* would not have suggested to one having ordinary skill in the art the subject matter defined in independent claims 27, 37, 38, and 49, as amended herein.

The *Nakatsuka* reference discloses only the technical concept of designating an image processing condition in an image processing device. The *Nakatsuka* reference does not mention or otherwise address the technical problems resulting from the image data generating device and the image processing device being physically separate entities. This is also the case with the *Shiota et al.* reference. As such, the combination of *Nakatsuka* in view of *Shiota et al.* would not have suggested to one having ordinary skill in the art a solution to the technical problems that result when the image data generating device and the image processing device are physically separate entities.

Applicants maintain the position that the subject matter defined in independent claims 27, 37, 38, and 49 (prior to the amendments made herein) is patentable under 35 U.S.C. § 103(a) over the combination of *Nakatsuka* in view of *Shiota et al.* Nevertheless, in an effort to expedite the prosecution of the subject application, Applicants have amended claims 27,

27, 38, and 49 to address the Examiner's interpretation of these claims, as set forth on page 2 of the Office Action.

In particular, Applicants have amended claims 27, 37, 38, and 49 to specify 1) an image pick-up device, 2) that the image pick-up device and the output device (i.e., the image processing device) are separate bodies, and 3) that the image quality adjustment data is generated based on the designated condition for image quality adjustment processing in the output device (i.e., the image processing device).

With the above-discussed amendments, the subject matter defined in claims 27, 37, 38, and 49 recites at least the following three (3) features that are neither shown nor suggested in the *Nakatsuka* and *Shiota et al.* references:

1. the image data with image processing control information is sent from the image data generating device (i.e., the image pick-up device);
2. the image processing control information is related to target image data at the image data generating device (i.e., the image pick-up device); and
3. the image processing control information defines the image quality correction condition in the image processing device (i.e., the output device).

Accordingly, for at least the foregoing reasons, independent claims 27, 37, 38, and 49 are patentable under 35 U.S.C. § 103(a) over the combination of *Nakatsuka* in view of *Shiota et al.* Claims 28-36, each of which ultimately depends from claim 27, and claims 39-48, each of which ultimately depends from claim 38, are likewise patentable under 35 U.S.C. § 103(a) over the combination of *Nakatsuka* in view of *Shiota et al.* for at least the same reasons set forth above regarding the applicable independent claim.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 27-49, as amended herein, and submit that these claims, together with allowed claims 1-26 and 50, are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the

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prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902.

If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP002).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP

A handwritten signature in black ink, appearing to read "P. B. Martine", with a long horizontal flourish extending to the right.

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